

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 52 OF 2016

The Financial Intelligence Centre Act, 2010
(Act No. 46 of 2010)**The Financial Intelligence Centre (Prescribed
Thresholds) Regulations, 2016**

ARRANGEMENT OF REGULATIONS

Regulations

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*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka. Price K8.00 each.*



IN EXERCISE of the powers contained in section *fiftyeight* of the Financial Intelligence Centre Act, 2010, and in consultation with the Centre, the following Regulations are made:

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| <p>1. (1) These Regulations may be cited as the Financial Intelligence Centre (Prescribed Thresholds) Regulations, 2016.</p> <p>(2) These Regulations shall come into effect one hundred and eighty days from the date of publication.</p> | <p>Title and commencement</p> |
| <p>2. In these Regulations, unless the context otherwise requires, words and expressions have their meanings assigned to them in the Act.</p> | <p>Interpretation</p> |
| <p>3. The Centre and supervisory authorities shall monitor and ensure compliance by reporting entities with the reporting entity's obligations under these Regulations.</p> | <p>Monitoring compliance</p> |
| <p>4. The Director-General may request a reporting entity to furnish financial information on a transaction to which these Regulations apply, whether conducted as a single transaction or as several transactions that appear to be linked.</p> | <p>Request information</p> |
| <p>5. A reporting entity shall identify and verify a customer who is neither an account holder nor in an established business relationship with a financial institution, who wishes to carry out a transaction for any amount with the reporting entity.</p> | <p>Customer identification requirements</p> |
| <p>6. (1) The threshold of a wire transfer transaction in a financial institution is—</p> <p>(a) with respect to a legal person or legal arrangement, an amount equal to, or above, the kwacha equivalent of ten thousand United States dollars, whether denominated in Zambian kwacha or a foreign currency; and</p> <p>(b) with respect to an individual, an amount equal to, or above the kwacha equivalent of five thousand United States dollars, whether denominated in Zambian kwacha or a foreign currency.</p> <p>(2) A financial institution undertaking wire transfer equal to, or above, the amounts referred to in subregulation (1) shall identify and verify the identity of the originator as follows:</p> <p>(a) for an individual, the full name, date and place of birth, address and other particulars of the individual by comparing the particulars with—</p> <p>(i) the individual's driving licence, passport or a national identification document bearing the individual's pictorial image;</p> | <p>Wire transfers</p> |

- (ii) a reference from the individual's employer or a professional or traditional authority that has known that individual for at least twelve months;
- (iii) a reference obtained from the individual's foreign bank, where possible, in the case of a non-resident or foreigner;
- (iv) an original or certified true copy of the latest council or applicable rates, or utility bill receipt; and
- (v) information which is obtained from any other independent source, if it is accurate and reasonably necessary, taking into account any other written law or guidelines concerning the verification of identity;

(b) for a body corporate—

- (i) by comparing the submitted details of the body corporate with a certified true copy of its certificate of incorporation issued by the Registrar of Companies or another relevant authority;
- (ii) reviewing the tax payer identification number (TPIN) issued by the Zambia Revenue Authority and other information held by the Registrar of companies or other relevant supervisory authority; and
- (iii) except for a statutory body, the particulars of every person exercising direct or indirect control, for the purposes of identifying the beneficial owner; and

(c) for a partnership, obtain from an individual acting or purporting to act on its behalf—

- (i) the name of the partnership;
- (ii) the business address;
- (iii) the partnership agreement; and
- (iv) the full names, address and date and place of birth of every partner, including the person who exercises direct or indirect control or management of the partnership, for purposes of identifying the beneficial owner.

(3) A financial institution undertaking a wire transfer in accordance with subregulations (2) shall—

- (a) obtain and maintain the account number of the originator or, in the absence of an account number, a unique reference number;
- (b) obtain and maintain the originator's address or in the absence of the address, the national identity number or date and place of birth; and
- (c) include the information from subregulations (2)(a), (b) and (c) in the message or payment form accompanying the transfer.

7. A reporting entity shall not later than three working days after the transaction, report a currency transaction equal to or above the kwacha equivalent of ten thousand United States dollars, whether denominated in Zambian kwacha or a foreign currency in the Form set out in the Schedule.

Currency transactions

8. (1) A person leaving or entering Zambia with an amount in cash, negotiable bearer instruments or both, exceeding the kwacha equivalent of five thousand United States dollars, whether denominated in Zambian kwacha or foreign currency, shall declare to a customs officer such amount in accordance with the Customs and Excise Act.

Financial instrument reporting at borders

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(2) A customs officer may inquire about the source of funds declared under subregulations (1) or any other matter relating to the declaration in accordance with the Customs and Excise Act.

(3) A customs officer shall transmit a declaration made to a customs officer under subregulation (1) to the centre as soon as practicable.

9. (1) A person who contravenes a provision of these Regulations commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a period not exceeding one year, or to both.

General offence and penalty

(2) Where an offence under these Regulations is committed by a body corporate or an unincorporated body, every director or manager of the corporate or unincorporated body is liable, upon conviction, as if the director or manager had personally committed the offence, unless the director or manager proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the director or manager or that the director or manager took reasonable steps to prevent the commission of the offence.

(3) A contravention of these Regulations may be determined summarily by a court of competent jurisdiction which shall take into account any relevant guidelines issued by the Centre.

9. Identify Type: NRC Passport Driver's License TPIN Number
- a. Identification Number: _____
- b. Identification issued by: _____
- c. Place of Issue: _____
10. Physical Address*
- a. Property Number and Street Name: _____
- b. Residential Area: _____
- c. Town: _____
- d. Provincial & Country: _____
11. Postal Address: _____
12. Telephone: _____ Mobil: _____
- Fax: _____

II. INDIVIDUAL(S) CONDUCTING TRANSACTION(S) (IF OTHER THAN ABOVE)

If Section II is left blank or incomplete, check the box(es) below to indicate the reason(s)

- a. Armored Car Service b. Mail Deposit or Transportation
- c. Night Deposit or ATM
- d. Multiple Transactions e. Conducted on Own Behalf
13. Individual's Last Name or Company's Name: _____
14. First Name: _____
15. Middle Name: _____
16. Date of Birth: (DD/MM/YYYY) ____ / ____ / ____
17. Gender: F M
18. Doing Business as: _____
19. Profession/Occupation/Nature of business: _____
20. Identify Type: NRC Passport Driver's License TPIN Number
- a. Identification Number: _____
- b. Identification issued by: _____
- c. Place of Issue: _____
21. Physical Address*
- a. Property Number and Street Name: _____
- b. Residential Area: _____
- c. Town: _____
- d. Provincial & Country: _____
22. Postal Address: _____

23. Telephone: _____ Mobil: _____
Fax: _____

If box 1a above for Amend prior report is checked, please provide the reference number for the CTR to be amended

24. CTR Reference Number: _____

If box 1a above for Amend prior report is checked, please provide the reference number for the CTR to be amended

PART B: TRANSACTION DETAILS CHECK ALL BOXES THAT APPLY

25. Place of Transaction*: _____

26. Date of Transaction*: DD/MM/YYYY ____ / ____ / ____

27. Total cash in (K)*: _____

28. Total cash out (K): _____

29. Foreign Currency Amount and Type (specify): _____

30. Account Number(s) Affected*: _____

- 31. Transaction Type*
 - Negotiable Instrument(s) Purchased
 - Negotiable Instrument(s) Cashed
 - Deposit(s)
 - Withdraws(s)
 - Other (specify):

PART C: REPORTING ENTITY DETAILS*

NATURE OF BUSINESS

- Micro Finance Institution Insurance Broker Lotteries Motor Vehicle Dealer
- Motor Vehicle Dealer Precious Metal Dealer Leasing Company
- Bureau de Change Real Estate Ag. Legal Practitioner Insurance
- Building Society Money Remitter Real Estate Dev. Accountant/Auditor
- Pension Commercial Bank Casino Stock Broker Tax Consultant
- Development Finance

Other (Specify): _____

Reporting Entity Name*: _____

Physical Address: _____

Compliance/Reporting Officer

Name: _____

Position: _____

Tel. No.: _____

Email Address: _____

If different from Compliance/Reporting Officer

Name: _____

Address: _____

Tel. No.: Landline: +260 _____ Mobile: +260 _____

Email Address: _____

Are there any attachments accompanying this form? Yes NO

(If yes, please specify): _____

..... MM/DD/YYYY ____/____/____

Signature

Date:

A. B. CHIWANDA,
Minister of Finance

LUSAKA

17th June, 2016

[MF/IDM.101/1915]

